

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,**

Plaintiff,

File No. **06-20185**

-VS-

Honorable **Victoria A. Roberts**

**D-2 MARCUS L. FREEMAN,**

Defendant.

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**SENTENCING MEMORANDUM**

On October 5, 2015, Mr. Freeman pled guilty to Killing a Person While Engaged in an Offense Punishable Under Section 924(c), in violation of *18 U.S.C. §924(j)* as contained within a third Superseding Information. The Rule 11 Plea Agreement provides that (1) the parties stipulated and agreed that the appropriate sentence in this case is a sentence of 180 months; (2) that Mr. Freeman may withdraw his plea if the Court sentences him above 180 months; (3) that if the Court imposes a sentence of 180 months, he waives his right to appeal; and (4) if the court accepts the agreement, the government will dismiss all remaining charges in the case.<sup>1</sup> In

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<sup>1</sup>The parties agree the guideline range is 292 to 365 months.

short, there are no disputes between the parties or probation department regarding the sentencing guidelines or what the parties believe is an appropriate sentence.

This Court is very familiar with the facts of the case, it having been tried before a jury five times, presided by the Court. The terms of the Rule 11 Plea Agreement are reasonable and just under the circumstances and the agreed upon sentence would be appropriate relative to other pleas and sentences in the case and satisfied the factors set forth in *18 U.S.C. §3553*.<sup>2</sup>

Respectfully submitted,

s/ *Craig A. Daly*

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Dated: November 17, 2016

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<sup>2</sup>Mr. Freeman is not asserting any grounds for a departure or variance from the guidelines other than the agreed upon sentence.

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**CERTIFICATE OF SERVICE**

I, **CRAIG A. DALY, P.C.**, hereby certify that on the **17<sup>th</sup>** day of **November 2016**, I electronically filed **Sentencing Memorandum** with the Clerk of the Court using the ECF system which will send notification of such filing to the following: **Hon. Victoria Roberts, AUSA Dawn Ison, AUSA Mark Chutkow, and Attorney's of Record.**

Respectfully submitted,

s/ ***Craig A. Daly***

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